

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of D.C., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20080428-CA
)	
D.B.C. and M.C.C.,)	
)	F I L E D
Appellants,)	(July 17, 2008)
)	
v.)	2008 UT App 272
)	
State of Utah,)	
)	
Appellee.)	

Sixth District Juvenile, Manti Department, 544741
The Honorable Paul D. Lyman

Attorneys: D.B.C. and M.C.C., Manti, Appellants Pro Se
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Greenwood, Thorne, and Orme.

PER CURIAM:

D.B.C. and M.C.C. (Parents) appeal the juvenile court's April 22, 2008 order adjudicating D.C. as dependent and ordering protective supervision services. We affirm.

Parents assert that the juvenile court did not give sufficient weight to their evidence. However, the record demonstrates that Parents and the State undertook negotiations and stipulated to the facts contained in the State's second amended petition. Having reviewed the stipulated facts, Parents' written submissions, and Parents' oral statements at the pretrial hearing, the juvenile court determined that D.C. was dependent and ordered supervision services.

Utah Code section 78-3a-305(4)(c) provides that a child welfare petition shall contain "a concise statement of facts, separately stated, to support the conclusion that the minor upon whose behalf the petition is being brought is abused, neglected

or dependent." Utah Code Ann. § 78-3a-305(4)(c) (Supp. 2007). A child is dependent when it is shown that the child is homeless or is without proper care through no fault of the child's parent, guardian, or custodian. See Utah Code Ann. § 78-3a-103(1)(j) (Supp. 2007). Based on the factually intense nature of a juvenile court's assessment and weighing of the facts, its decision is afforded a high degree of deference. See In re B.R., 2007 UT 82, ¶ 12, 171 P.3d 435. A juvenile court's decision may be overturned only if it either "failed to consider all of the facts or considered all of the facts and its decision was nonetheless against the clear weight of the evidence." Id. "When a foundation for the court's decision exists in the evidence, an appellate court may not engage in a re-weighing of the evidence." Id.

The record clearly demonstrates that the juvenile court made significant efforts to ensure that Parents were satisfied with the stipulated facts before submission to the court. The record also demonstrates that in addition to the stipulated facts and Parents' written submissions, the juvenile court also gave Parents an opportunity to make additional statements during the pretrial hearing. After making additional statements, as invited by the court, the court expressly inquired whether there were any other facts that Parents would like to have considered. Parents responded in the negative. The stipulated facts set forth in the record provide the requisite statement of facts supporting the juvenile court's conclusion that D.C. was dependent. Thus, the record demonstrates that there was an evidentiary basis for this determination.

Having reviewed the record, we cannot say that the juvenile court failed to consider the stipulated facts or that its decision that D.C. was dependent and in need of protective supervision services was against the clear weight of the evidence. Because a foundation for the juvenile court's decision exists in the record, this court may not engage in a re-weighing of the evidence and overturn the juvenile court's decision.

Accordingly, the juvenile court's order is affirmed.

Pamela T. Greenwood,
Presiding Judge

William A. Thorne Jr.,
Associate Presiding Judge

Gregory K. Orme, Judge